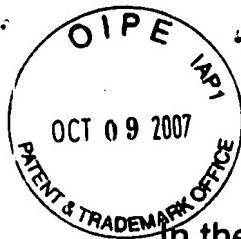


IFee



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

John McCoy, et al.

Application Number: 10/500,442

Filing 371(c) date: 06/29/2004

Title: INTERNALLY COLORED BLOCK AND PROCESS

Examiner: CANFIELD, ROBERT

Art Unit: 3635

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
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Alexandria, VA 22313-1450

on October 1, 2007


by PAUL H. WARE
Registration Number 27,017

RESPONSE



COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Your communication of September 5, 2007, is acknowledged. Please consider the following in respectful response thereto.

OFFICE ACTION SUMMARY

The Examiner filed the instant Office Action responsive to communication filed on 29 June 2004 and imposed a shortened statutory period for reply of one month or thirty days from the mailing date of September 5, 2007.

Applicant's RESPONSE is timely.

Claims 1 through 19 are pending in the application and made subject to restriction and/or election requirement.

EXAMINER'S ITEM 1

Examiner's item 1 states:

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499 applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-12, drawn to an internally color block.



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Group II, claim(s) 13-19, drawn to a method of internally coloring a glass block.

Responsive to the Examiner's application of 37 CFR § 1.499, applicant hereby provisionally elects Group II consisting of claims 13 through 19 but traverses the Examiner's requirement for restriction and reserves the right to file a divisional application or take such other appropriate measures as necessary to protect the material of Group I.

EXAMINER'S ITEM 2

In item 2, the Examiner states:

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the block of Group I could be formed from many methods different than that of Group II including methods dad (sic) not require drilling steps.

Applicant understands by means of the September, 25, 2007 telephone conversation with the Examiner that the word "dad" as used in the Examiner's item 2, may be replaced by "that do". Response is presented with that understanding in applicant's REMARKS which follow.

EXAMINER'S ITEM 3

Examiner's item 3 states:

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

The Examiner's first paragraph under item 3 is advisory in nature. Applicant thanks the Examiner for his advice and respectfully submits that the response herein is complete. Applicant has elected Group II encompassing claims 13 - 19 to be examined with traverse and, in accordance with the provisions of 37 CFR 1.143, hereby requests reconsideration and withdrawal of the requirement for restriction; applicant's reasons therefor being given in the REMARKS which follow.

The Examiner's second paragraph under item 3 is instructive in nature. Applicant thanks the Examiner for the instruction provided. Applicant has made election with traverse thereby reserving the right to petition. Applicant respectfully submits errors in the requirement for restriction in the REMARKS which follow.

The Examiner's third paragraph under item 3 presents an hypothetical exigency not relevant to the instant application. In our above-mentioned telephone conversation it was agreed that no response was needed to this paragraph.

EXAMINER'S ITEM 4

Again, applicant appreciates the Examiner's reminder with respect to inventorship. Applicant submits that no correction of inventorship is involved with the cancellation of claims to the non-elected Group I as the original inventive entity remains the same thus obviating application of 37 CFR §1.48(b).

EXAMINER'S ITEM 5

Applicant thanks the Examiner for the contact information provided and hereby expresses applicant's gratitude for the above-mentioned telephone conversation.